

ASSEMBLY BILL

No. 504

Introduced by Assembly Member Furutani

February 24, 2009

An act to add Section 13515.45 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 504, as introduced, Furutani. Peace officers: training.

Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice. Under existing law, the commission is required to develop and implement trainings for peace officers relative to certain areas of criminal law or procedure.

This bill would require the commission to create and make available to all law enforcement agencies as part of basic training a training component on how to recognize and interact with persons carrying a kirpan, as specified. This bill would define a kirpan as a blade that resembles a sword and is required to be carried as an integral part of the practice of the Sikh faith.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) The United States was founded on the core principles of
- 3 religious freedom, diversity, and equality for all.
- 4 (b) Sikh Americans form a vibrant, peaceful, and law-abiding
- 5 part of the United States community. California was one of the

1 first places that Sikhs settled in this country over 100 years ago.
2 Today, California is home to a large number of the nation's
3 500,000 Sikhs.

4 (c) Sikhs are mandated by their religion to keep five articles of
5 faith on or as part of their person at all times. These articles of
6 faith are physical manifestations and reminders of core Sikh
7 spiritual values which include honesty, remembering God, and
8 providing service to humanity.

9 (d) The five Sikh articles of faith include the kirpan. A kirpan
10 is a religious article resembling a sword, which is integral to the
11 practice of the Sikh faith. The kirpan is carried in a shoulder strap
12 known as a gatra, as mandated by the Sikh Code of Conduct. The
13 kirpan acts as a constant reminder to its bearer of a Sikh's solemn
14 duty to protect the weak and promote justice for all. The kirpan is
15 also an allusion to spiritual knowledge that cuts through ignorance
16 and sin.

17 (e) In the years since the attacks of September 11, 2001, Sikhs
18 have experienced an unprecedented increase in prosecutions for
19 carrying the kirpan.

20 (f) It is the responsibility of the Legislature to protect religious
21 freedoms, while ensuring public safety. Keeping those obligations
22 in mind, it is the Legislature's goal to promote education and
23 awareness of the carrying of the kirpan by Sikhs in California when
24 its possession is in accordance with an integral part of the
25 recognized religious practice of the person carrying it and there is
26 a benign intent in carrying it.

27 SEC. 2. Section 13515.45 is added to the Penal Code, to read:

28 13515.45. (a) The commission shall, upon the next regularly
29 scheduled review of a training module relating to weapons
30 violations and cultural diversity, create and make available training
31 content on how to recognize and interact with persons carrying a
32 kirpan. The training content shall be designed for, and made
33 available, as part of its mandatory basic training, to peace officers
34 employed by law enforcement agencies that participate in, and
35 comply with, training standards set forth by the commission.

36 (b) For purposes of this section, "kirpan" means a blade that
37 resembles a sword and is required to be carried as an integral part
38 of the practice of the Sikh faith.

39 (c) The training course shall be developed by the commission
40 in consultation with appropriate subject matter experts. The

1 commission shall make the course available, as part of its
2 mandatory basic training, to California law enforcement agencies
3 that participate in, and comply with, training standards set forth
4 by the commission.

5 (d) In addition to the duties contained in subdivisions (a) and
6 (c), the commission shall electronically distribute, as necessary, a
7 training bulletin to law enforcement agencies participating in the
8 commission's program on the topic of the kirpan.

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